

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MATTHEW C. ZORN,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE, ET
AL.

Defendants.

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Civil Action No. 4:22-cv-02396

**ZORN’S UNOPPOSED SUBSTITUTED MOTION FOR LEAVE TO FILE A
FOURTH SUPPLEMENTAL AND AMENDED COMPLAINT AND REQUEST FOR
STATUS CONFERENCE**

Since the filing of Plaintiff’s motion for leave to file a Fourth Amended Complaint, the parties have further discussed the matters presented therein. The parties have reached agreement, and the Government has consented to the filing of a revised Fourth Amended Complaint, which is attached to this motion as Exhibit A. *See* Fed. R. Civ. P. 15(a)(2) (permitting amendment based on the written consent of a party). *See also* Ex. B (Government consent).

The parties likewise agree that amendment of the complaint raises questions about how to proceed on pending motions, particularly the pending motion to dismiss, which are directed at earlier pleadings. The parties agree and respectfully request a status conference to discuss the pending motions and further proceedings.

For the reasons stated above, Plaintiff requests the Court grant leave to file the Fourth Amended Complaint and set a status conference to discuss resolution of the pending motions.¹

¹ The parties are unavailable October 16, 19, 20.

Dated: October 6, 2023

Respectfully submitted,

/s/ Matthew C. Zorn

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Matthew C. Zorn
Matthew C. Zorn

CERTIFICATE OF CONFERENCE

Since the filing of the original motion, I conferred with the Government in several e-mails and a phone call. The Government consents to the filing of the Fourth Amended Complaint attached to this filing, and the parties jointly request a status conference.

/s/ Matthew C. Zorn
Matthew C. Zorn

WORDS

I certify that this filing has 176 words, excluding the case caption, signature block, and certificates.

/s/ Matthew C. Zorn
Matthew C. Zorn